

REMARKS

Pursuant to an Election/Restriction Requirement mailed on December 16, 2008, Applicants elect, with traverse, Claims 1-32 (Group I) for substantive examination in the present application, and Claims 33-35 (Groups II and III) are hereby withdrawn from consideration (all as renumbered per 37 CFR 1.126).

Applicants acknowledge the duplicate numbered claims 28 as originally filed. Applicants hereby request that Examiner make an Examiner's amendment renumbering all claims after the first "Claim 28," to which amendment Applicants hereby agree in advance. Applicants note that no other amendment to the text of the claims is required, as now renumbered Claims 29-35 do not depend on any claims after Claim 28. In the alternative, Applicants will amend the claims to correct this typographical error in response to the first Office Action on the merits.

Applicants have carefully studied the outstanding Office Action. The present Response is intended to be fully responsive and is believed to place the application in better condition for allowance. Favorable reconsideration and allowance of this application is respectfully requested.

Election/Restriction Requirements

The Examiner has issued an election requirement pursuant to 35 U.S.C. 121 asserting that the application is directed towards three (3) distinct inventions:

Group I -- Claims 1-32, drawn to a compound of formula (I), corresponding to method of use and a process of preparation.

Group II -- Claim 33, drawn to a compound of formula VII.

Group III -- Claims 34-35, drawn to a compound of formula VIII.

In response, Applicants hereby elect, with traverse, to proceed with the prosecution of Claims 1-32 (Group I) in the pending application. Claims 33-35 (Group II and III) have been withdrawn without prejudice, pending the examination of Group I.

CONCLUSION

An Office Action on the merits is now respectfully awaited. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Colin P. Cahoon at 972.367.2001.

The Commissioner is hereby authorized to charge any additional payments that may be due or credit any overpayment to Deposit Account No. 50-0392.

Dated: January 13, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C.P. Cahoon', with a long horizontal flourish extending to the right.

Colin P. Cahoon
Registration No. 38,836
Agent for Applicant
CARSTENS & CAHOON, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
(972) 367-2002 Fax